

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RODERICK HYMON,

Petitioner,

vs.

BRIAN WILLIAMS, *et al.*,

Respondents.

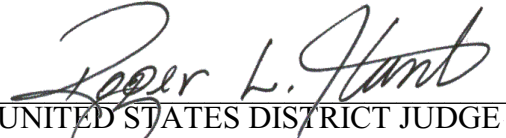
2:09-cv-1124-RLH-LRL

ORDER

Before the court is petitioner's motion to dismiss his petition for writ of habeas corpus without prejudice (docket #34). Following a successful motion to dismiss on the part of respondents, numerous grounds of the petition were dismissed with prejudice as procedurally barred and grounds 2, 11, 23, 29, 35, 43, 44, and 45 were abandoned as unexhausted. Thereafter, respondents filed their answer to the surviving grounds for relief and petition was given several extensions of time to file his reply. Instead of replying, petitioner now moves to dismiss the petition without prejudice because he "need[s] more time and wants to completely exhaust, relitigate [his] unexhausted ground[s]." Petitioner's apparent attempt to avoid a ruling by this Court on the merits of his claims shall be unsuccessful. The motion to dismiss without prejudice shall be denied and the Court shall rule on the petition's merits.

1 **IT IS THEREFORE ORDERED** that petitioner's motion (docket #34) is **DENIED**.

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3 Dated this 4th day of January, 2011.

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6 UNITED STATES DISTRICT JUDGE
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